To: ckoehler@edf.org[ckoehler@edf.org]; kdelfino@defenders.org>[]
Cc: "Poole, Kate" [kpoole@nrdc.org]
From: "Obegi, Doug"
Sent: Wed 9/7/2011 6:39:22 PM
Subject: DHCCP MOA amendment signed
First+Amendment+MOA+Sept.+2011.pdf

Have you guys seen this already? Big stuff I saw in my quick perusal this am were a couple of recitals, and especially Sections II(B), II(E), II(H), II(J), II(K), II(R). Short summaries below.

* Recital C (CVP contractors and section 10 assurances)
* Recital E (claims this agreement doesn't modify the lead agency agreement re EIS/EIR, just "clarifies" USBR's role)
* Recital F (don't think I've ever seen this MOA on the contractors' role in the EIS/EIR)
* Recital H (BDCP Planning Agreement remains in effect)
* Recital Q (DWR primarily responsible for BDCP prep, fed and state lead agencies responsible for EIS/EIR prep)

* Section II(B) (Reclamation represent the other fed agencies re NEPA in working with the consultants retained by DWR in collaboration with other parties)
* Section II(C) (schedule can be revised without amendment, but DWR must provide notice; not clear, but suggests DWR decides on schedule changes)
* Section II(D) (commitment to schedule for ROD and EIS/EIR)
* Section II(E) (DWR will direct the consultants; suggests DWR and Reclamation can ignore comments from other agencies if not timely received under the Schedule)
* Section II(F) (DWR has delegated authority to the program manager (consultant))
* Section II(G) (DWR may delegate contracting over the consultants to the exporters (SAFCA))
* Section II(H) (permittee language; fish agencies have the final call, no delegation of authority or authority over ops)
* Section II(J) (requires process to find way to give CVP contractors measures equivalent to Section 10 assurances)
* Section II(K) (exporters get access to all consultant work product, and DWR, Bureau and exporters will work cooperatively to address all comments)
* Section II(R) (financing plan to be released concurrent with release of the draft BDCP and EIS/EIR)

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